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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/768,234
Filing Date: January 30, 2004
Appellant(s): HUNLETH ET AL.

POTOMAC PATENT GROUP
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/11/10 appealing from the Office action mailed 8/7/09.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 15-19, 23-28, 32-37 and 41-56 are pending in this application; and, claims 15, 24 and 33 are independent claims. Claims 1-14, 20-22, 29-31 and 38-40 have been cancelled.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 2004/0123320	Daily	06-2004
US 7,028,053 B2	Chi et al.	04-2006
US 5,561,444	Johnston, Jr. et al.	10-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15-19, 23-28, 32-37, 41-43, 46, 47, 48, 51-53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily et al. ("Daily", US 2004/0123320), in view of Chi et al. ("Chi", US 7,028,053 B2).

As per claim 15, Daily teaches a method for interfacing with a plurality of images comprising displaying the plurality of images aligned relative to one another in rows and columns at a first semantic level of a UI, i.e. example of semantic zooming, wherein certain GUI elements are revealed that were not previously visible at the previous zoom level (figs. 1 and 8; par [0039]), moving a cursor over one of the plurality of images and enlarging the one of the plurality of images in response to the cursor movement (par [0054]). Daily further teaches a method for interfacing with a plurality of images comprising clicking on the one of the plurality of images and launching a media item represented by the one of the plurality of images (par [0059]) and providing additional information associated with the one of the plurality of images after enlarging the one of the plurality of images (par [0037]; after enlarging the one of the plurality of images via zoom feature, users can see additional information such as expanded channel or program information at higher levels of detail) wherein said each of the plurality of images represent a selectable media item (par [0059]). Daily further teaches the one of the plurality of images overlapping at least one image and that one of a plurality of images while non-displaying the remaining of said plurality of images (par [0037]; fully overlapping).

Daily does not explicitly disclose displaying one of a plurality of images together with additional information associated therewith. Chi teaches displaying one of a plurality of images together with additional information associated with said one of said plurality of images (col. 12, lines 18-20). It would have been obvious to an artisan at the time of the invention to incorporate the method of Chi with the method of Daily in order to provide users with a summary of the displayed image, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

As per claim 16, the modified Daily teaches a method for interfacing with a plurality of images wherein when the cursor is not positioned over any one of the images, none of the plurality of images overlaps any other of the plurality of images (Daily: e.g., figs. 1 and 8).

As per claim 17, the modified Daily teaches a method for interfacing with a plurality of images, wherein the one of the plurality of images, when enlarged, overlaps each image adjacent thereto (Daily: par [0037]; fully overlapping).

As per claim 18, the modified Daily teaches a method for interfacing with a plurality of images wherein the plurality of images are static (Daily: par [0051]; dynamic media downloaded in real-time from a database or static media stored in a form such as a computer readable media).

As per claim 19, although the modified Daily teaches a method for interfacing with a plurality of images comprising a plurality of images representing a movie or video clip (Daily: paragraph [0059]), the modified Daily does not explicitly disclose images representing movie cover art. Official Notice is taken that images representing movie

cover art is well known in the art. In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007), it would have been obvious to an artisan at the time of the invention to incorporate images representing movie cover art with the method of the modified Daily given that they provide product branding and are more user recognizable than images representing an obscure scene.

As per claim 23, the modified Daily teaches a method for interfacing with a plurality of images wherein the enlarging of the one of the plurality of images indicates that the one of the plurality of images currently has a focus of an interface and that the a media item represented by the one of the plurality of images can be selected (Brown: fig. 5; paragraph [0047]; Daily: paragraphs [0054] and [0059]).

Claims 24 and 33 are individually similar in scope to claim 15 and are therefore rejected under similar rationale.

Claims 25 and 34 are individually similar in scope to claim 16 and are therefore rejected under similar rationale.

Claims 26 and 35 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

Claims 27 and 36 are individually similar in scope to claim 18 and are therefore rejected under similar rationale.

Claims 28 and 37 are individually similar in scope to claim 19 and are therefore rejected under similar rationale.

Claims 32 and 41 are individually similar in scope to claim 23 and are therefore rejected under similar rationale.

As per claim 42, the modified Daily teaches a method for interfacing with a plurality of images comprises displaying said one of said plurality of images at a second semantic level of said user interface including, as said additional information, information associated with said media item represented by said one of said plurality of images (Daily: paragraphs [0049]; paragraphs [0039], [0054] and [0055]).

As per claim 43, the modified Daily teaches a method for interfacing with a plurality of images comprising: providing a transition effect between said display of said one of said plurality of images at said first semantic level of said user interface and said display of said one of said plurality of images at said second semantic level of said user interface (Daily: paragraphs [0049]; paragraphs [0039], [0054] and [0055]; via repeated zooming).

As per claim 46, the modified Daily teaches a method for interfacing with a plurality of images comprises displaying said additional information at said first semantic level of said user interface (Daily: paragraph [0037]).

Claims 47 and 52 are individually similar in scope to claim 42 and are therefore rejected under similar rationale.

Claims 48 and 53 are individually similar in scope to claim 43 and are therefore rejected under similar rationale.

Claims 51 and 56 are individually similar in scope to claim 46 and are therefore rejected under similar rationale.

Claims 44, 45, 49, 50, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily et al. ("Daily", US 2004/0123320), in view of Chi et al. ("Chi",

US 7,028,053 B2) as applied to claims 43, 48 and 53, and further in view of Johnston, Jr. et al. ("Johnston", US 5,561,444).

As per claim 44, although the modified Daily teaches a method for interfacing with a plurality of images wherein said step of providing a transition effect further comprises transitioning from said first semantic level at which said one of said plurality of images is displayed to said second semantic level by changing a size of said one of said plurality of images (Daily: paragraphs [0049]; paragraphs [0039], [0054] and [0055]), the modified Daily does not explicitly disclose simultaneously changing a size of said one of said plurality of images and translating said one of said plurality of images from a first location on a display to a second location, different from said first location, on said display. Johnston teaches simultaneously changing a size of said one of said plurality of images and translating said one of said plurality of images from a first location on a display to a second location, different from said first location, on said display (col. 7, lines 21-50). In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007), it would have been obvious to an artisan at the time of the invention to incorporate the method of Johnston with the method of the modified Daily in order to provide users with a visual feedback.

As per claim 45, the modified Daily teaches a method for interfacing with a plurality of images comprising animating said translation of said one of said plurality of images from said first location to said second location (Johnston: col. 7, lines 21-50).

Claims 49 and 54 are individually similar in scope to claim 44 and are therefore rejected under similar rationale.

Claims 50 and 55 are individually similar in scope to claim 45 and are therefore rejected under similar rationale.

(10) Response to Argument

Appellant's arguments have been fully considered but they are not persuasive.

Applicant argued:

(a) Neither Daily nor Chi teaches or suggests displaying, enlarging and overlapping images at a first semantic level.

(b) Neither Daily nor Chi teaches or suggests displaying an image with additional information in a certain sequence; and, the combination of Daily and Chi is improper.

The Office disagrees for the following reasons:

Per (a), as a resultant of the problem of navigating and conveying information regarding large databases of television programs including displaying many icons at a level that may prove difficult or impossible to discern details of each, Daily seeks to provide a solution with an additional zoom feature so that more information are seen (par [0054] and example given) wherein the zoom feature is consistent with the technical definition known to one of ordinary skills in the art, i.e., to enlarge a selected portion of a graphical image to fill a window or screen, as well as the usual understanding that to overlap an image with another image is to position things in such a way that the edge of one thing is on top of and extending past the edge of another, or be positioned in this way to cover something such as a boundary or edge, and extend

beyond it (whether the image is increased suddenly or incrementally to fill the television screen, both are described as alternatives in par [0054]).

Per (b) and in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Although *Daily* teaches listing an image in a sequence of images, e.g., an interactive guide with a plurality of icons such as that shown in fig. 1(a) of an interactive guide with program sources categorized by category or provider wherein par [0054] provides for a zoom command to see more information regarding a subset of icons displayed, and alludes to providing additional information in the form of playing sound or video upon selection of other graphical icons represented by a speaker or a miniaturized version of an album cover (par [0059]), *Daily* does not explicitly disclose the practice of providing additional information in regards to an image. The teaching that such practice was well known prior to appellant's filing of the instant application was extracted from Chi's teaching of the zoom feature of displaying an image with additional information (col. 12, lines 18-20; in conjunction with a cluster occupying a portion of the clusters represented by one or more icons that fill the entire display, a summary/additional information such as keywords, topic sentence summary and/or images may be displayed that summarizes the icon). Consequently, Chi's additional information that summarizes the icon or provides a summary with the icons representative of the cluster(s) further provides the suggestion to combine for

applicant's argument that there is no teaching, suggestion, or motivation to combine the references. Furthermore, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, the teaching, suggestion, or motivation for the rejection is found, both in the references (col. 11, line 52 – col. 12, line 20), and in the knowledge generally available to one of ordinary skill in the art in cases where additional information provides related information, clarity and/or support as also suggested by Chi. Hence, the need for webs of associations a.k.a. links that connect users to information that may be of interest as well as ubiquitous labels and tool-tips.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Le Nguyen/
Art Unit 2174
April 7, 2010

Conferees:

/DENNIS-DOON CHOW/
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